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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,265	10/15/2001	Torsten Lorenz	420/50498	1078

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EXAMINER

GALLAGHER, JOHN J

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 12/31/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-9

Office Action Summary

Application No.

09/976265

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 26 NOVEMBER 2002
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-28 is/are pending in the application.
- Of the above claim(s) 15-28 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-1X is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☒ Claim(s) 1-28 are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☒ All ☐ Some* ☐ None of the:
 - ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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1. Applicants' arguments having been carefully considered, the restriction requirement imposed in the last Office action is nevertheless deemed proper for the reasons set forth herein, and is therefore hereby reiterated and made FINAL.

Claims 15-28 stand withdrawn from further consideration by the Examiner as being directed to a non-elected invention, 37 CFR 1.142(b).

Election was made WITH traverse in Paper No. 8.

2. Claims 10-11 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, these claims are seen to make no sense and are not understood as presented viz. the "polymer layers" are constituted by the "polymer material" of which they are formed i.e. the "polymer" in each of these two terms is seen to be IDENTICAL thus assuring both correspondence and compatibility.

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability

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shall not be negated by the manner in which the invention was made.

4. Claims 1-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lunn in view of Williams.

Lunn discloses that it is known to form a composite fabric laminate (which finds utility as apparel) via a process wherein a plurality of fabric layers are alternated with a plurality of (adhesive) plastic layers or films and the composite so formed subjected to suitable laminating conditions to form the (aforementioned) composite, which composite may be (a) cut to desired size and shape; and (b) formed or shaped into any desired configuration. (Fig. 1, column 1 lines 48-58, column 2 lines 6-67, column 3 lines 10-24 and 33-60).

Williams discloses that it is known to provide an adhesive plastic film with (a) a strippable (carrier or backing) transfer film; and (b) apertures and/or slots (i.e. recesses) for various (functional) reasons (Fig. 2, column 2 lines 37 and 53-60, column 3 lines 1-7), such that it would have been obvious to one of ordinary skill in this art to employ the transfer film and aperture technique of Williams in conjunction with the (adhesive) films of one wherever deemed desirable and/or necessary; mere utilization of known, conventional elements and/or procedures (which would readily suggest themselves and be readily apparent to those so skilled). Further regarding this rejection (and almost needless to say), the laminates shown in

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Fig. 1 of Lunn would be formed on a suitable work supporting surface.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. J. Gallagher whose telephone number is (703) 308-1971. The examiner can normally be reached on M-F from approximately 8:30 A.M. to 5 P.M. The examiner can also be reached on alternate N/A.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball, can be reached on (703) 308-2058. The fax phone number for this Group is (703) ~~305-3599~~ ⁸⁷²⁻⁹³¹⁰.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661/0662.

JJG
JJGallagher:cdc

December 16, 2002


JOHN J. GALLAGHER
PRIMARY EXAMINER
ART UNIT 1733